



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2017-ADM-0105

CROSS REFERENCE #:

**TITLE: EPA EMPLOYEES DOWNLOADING AND/OR USING SIGNAL ENCRPTED
MESSAGING APPLICATION ON EPA ISSUED MOBILE DEVICES.**

CASE AGENT (if different from prepared by):

MEMORANDUM OF ACTIVITY

NARRATIVE

Based upon OI's investigation, no evidence was found to support the allegation the Signal application was being used by EPA employees on their EPA issued mobile devices to purposely circumvent the applicable Federal record retention rules. The evidence supports the finding that one (1) EPA employee was in technical violation of EPA regulations which restrict the downloading of applications onto EPA devices not approved by the EPA's Office of Environmental Information (OEI).

EPA OIG is submitting a final summary report to the Office of the Administrator (AO), EPA. Below is a list of attachments relevant to the investigation. These files will be submitted with the final summary report.

ATTACHMENTS

1. February 2, 2017 Washington Times Article: Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws



WashingtonTimesA
rticle-2-2-17.pdf

2. February 6, 2017 EPA OIG Hotline Complaint 2017-0126



2017-0126 Hotline
Referral.pdf

3. February 14, 2017 Congressional Letter – House Committee on Science, Space, and Technology

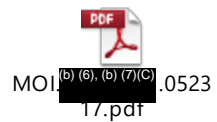


Congressional
Letter - House Comm

4. May 23, 2017 Memorandum of Interview (b) (6), (b) (7)(C)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2017-ADM-0105

CROSS REFERENCE #:

TITLE: EPA EMPLOYEES DOWNLOADING AND/OR USING SIGNAL ENCRPTED MESSAGING APPLICATION ON EPA ISSUED MOBILE DEVICES.

CASE AGENT (if different from prepared by):

MEMORANDUM OF ACTIVITY

NARRATIVE

Based upon OI's investigation, no evidence was found to support the allegation the Signal application was being used by EPA employees on their EPA issued mobile devices to purposely circumvent the applicable Federal record retention rules. The evidence supports the finding that one (1) EPA OIG employee was in technical violation of EPA regulations which restrict the downloading of applications onto EPA devices not approved by the EPA's Office of Environmental Information (OEI).

EPA OIG is submitting a final summary report to the Office of Investigations (OI), OIG, EPA. Below is a list of attachments relevant to the investigation. These files will be submitted with the final summary report.

ATTACHMENTS

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WashingtonTimesA
rticle-2-2-17.pdf

2. February 6, 2017 EPA OIG Hotline Complaint 2017-0126



2017-0126 Hotline
Referral.pdf

3. February 14, 2017 Congressional Letter – House Committee on Science, Space, and Technology



Congressional
Letter - House Comm

4. March 3, 2017 Memorandum of Interview – (b) (6), (b) (7)(C)

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MOI (b) (6), (b) (7) 030317.p
df

5. May 23, 2017 Memorandum of Interview – (b) (6), (b) (7)(C)


MOI (b) (6), (b) (7)(C) 523
17.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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WASHINGTON, DC 20004

CASE #: OI-HQ-2017-ADM-0105

CROSS REFERENCE #: 2017-0031

TITLE: EPA EMPLOYEES DOWNLOADING AND/OR USING SIGNAL ENCRYPTED
MESSAGING APPLICATION ON EPA ISSUED MOBILE DEVICES

CASE AGENT (if different from prepared by): (b) (6), (b) (7)(C)

CASE INITIATION

Subject(s)	Location	Other Data
Multiple known EPA employees	Multiple EPA locations	

NARRATIVE:

On February 2, 2017, The Washington Times published an article: *Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws*, which alleged unnamed Environmental Protection Agency (EPA) employees had downloaded and were using unauthorized encryption apps on their EPA devices in violation of EPA policy and failing to comply with the Federal Records Act, by not maintaining official EPA records [Attachment 1].

On February 3, 2017 Patrick Sullivan (Sullivan), Assistant Inspector General for Investigations (AIGI), EPA, Office of Inspector General (OIG), referred these allegations to the EPA, OIG, Office of Professional Responsibility (OPR) for investigation. EPA OIG OPR submitted the article and corresponding articles to the EPA OIG Hotline for initiation [Attachment 2]. The EPA, OIG, OPR opened separate investigations for users of the encrypted messaging applications *Signal* and *Whatsapp*.

On February 6, 2017, AIGI Sullivan requested that the EPA, Office of Environmental Information (OEI) provided a list of EPA employees that had the unauthorized application *Signal* installed on their EPA issued mobile devices.

On February 9, 2017, Steven Fine (Fine), Acting Assistant Administrator, and Acting Chief Information Officer, EPA, OEI emailed a list of EPA mobile device users with *Signal* users to AIGI Sullivan. [Attachment 3].

EPA, OIG, OPR is opening an investigation into the below allegations:

1. EPA employees have downloaded and are the unauthorized encryption app: *Signal* on their EPA devices in violation of EPA policy.
2. EPA employees are conducting EPA business within the *Signal* application

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3. EPA employees are failing to comply with the Federal Records Act, by not maintaining official EPA records.

ATTACHMENT

1. February 2, 2017 Washington Times Article: *Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws*
2. February 6, 2017 EPA OIG Hotline Complaint 2017-0126
3. February 9, 2017 email from Stephen Fine to AIGI Sullivan with *Signal* users

ATTACHMENT

1. February 2, 2017 Washington Times Article: Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws



WashingtonTimesA
rticle-2-2-17.pdf

2. February 6, 2017 EPA OIG Hotline Complaint 2017-0126



2017-0126 Hotline
Referral.pdf

3. February 9, 2017 email from Stephen Fine to AIGI Sullivan with *Signal* users



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description of inforr

Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws



****FILE**** Environmental Protection Agency Administrator Lisa Jackson gestures during an interview April 17, 2012, with The Associated Press at the agency's Washington headquarters. (Associated Press) [more >](#)

By Alex Swoyer - *The Washington Times* - Thursday, February 2, 2017

A conservative watchdog group filed an open-records request with the EPA on Thursday demanding the agency explain whether its employees are using encrypted messaging apps to communicate about President Trump's environmental agenda outside of regular government channels.

Cause of Action filed a Freedom of Information Act (FOIA) request after Politico reported that some career employees are using an app, Signal, to talk agency business.

The app, which encrypts messages to make it more difficult to hack, is being used by the employees "to organize letters, talk strategy, or contact media outlets," Politico reported.

Cause of Action said those communications are still subject to the FOIA, and the Environmental Protection Agency employees talking shop are required to store the messages as government documents.

The watchdog said it has demanded all records EPA employees sent or received on Signal, as well as asking who approved use of messaging apps.

"Those are official government records. They belong to the public. They don't belong to those people. They need to be reserved in a manner, so that they can be searched and responded to FOIA requests," said James Valvo, senior policy adviser at Cause of Action.

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He said the government doesn't do a good job of tracking and storing texts or other instant messages sent by staffers.

“Part of the problem here is that the record resides often with the individual,” Mr. Valvo said.

He said text messages are often saved only on the device, so an individual has the ability to erase them.

He also said that certain types of instant messaging systems do not preserve the messages over the long term.

Lauren Harper, the communications director at the National Security Archive, said she is unsure how many agencies are actually adhering to the record keeping guidelines for electronic messages.

“If you consider that three agencies said they wouldn’t even meet NARA guidelines on preserving email by the end of last year, then my hunch is many are struggling with preserving these other kinds of electronic records,” Ms. Harper said.

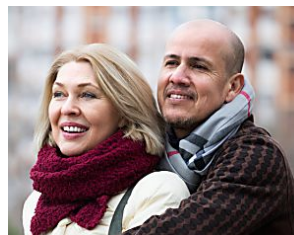
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

February 6, 2017

MEMORANDUM

SUBJECT: Office of Inspector General Hotline Complaint 2017-0126

FROM: (b) (6), (b) (7)(C)
Special Agent, Hotline Manager
Headquarters, Office of Inspector General

TO: Patrick Sullivan
Assistant Inspector General
Office of Investigations

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received a Hotline open request from (b) (6), (b) (7)(C) EPA, OIG, Office of Professional Responsibility. The Hotline received a forwarded article from the Washington Times, dated February 2, 2017. The article is alleging that EPA employees may be using encrypted messages to evade open-records laws. An investigation will be opened to determine if the allegations can be substantiated.

Please inform the Hotline within the next 5 calendar days that this referral was received and the course of action document within 30 calendar days to provide initial disposition of the complaint. If you have any further questions, please call (b) (6), (b) (7)(C), Hotline Program Manager, at 202 (b) (6), (b) (7)(C)

Attachment:

Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws



****FILE**** Environmental Protection Agency Administrator Lisa Jackson gestures during an interview April 17, 2012, with The Associated Press at the agency's Washington headquarters. (Associated Press) [more >](#)

By Alex Swoyer - The Washington Times - Thursday, February 2, 2017

A conservative watchdog group filed an open-records request with the EPA on Thursday demanding the agency explain whether its employees are using encrypted messaging apps to communicate about President Trump's environmental agenda outside of regular government channels.

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Cause of Action said those communications are still subject to the FOIA, and the Environmental Protection Agency employees talking shop are required to store the messages as government documents.

The watchdog said it has demanded all records EPA employees sent or received on Signal, as well as asking who approved use of messaging apps.

"Those are official government records. They belong to the public. They don't belong to those people. They need to be reserved in a manner, so that they can be searched and responded to FOIA requests," said James Valvo, senior policy adviser at Cause of Action.

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He said the government doesn't do a good job of tracking and storing texts or other instant messages sent by staffers.

"Part of the problem here is that the record resides often with the individual," Mr. Valvo said.

He said text messages are often saved only on the device, so an individual has the ability to erase them.

He also said that certain types of instant messaging systems do not preserve the messages over the long term.

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"If you consider that three agencies said they wouldn't even meet NARA guidelines on preserving email by the end of last year, then my hunch is many are struggling with preserving these other kinds of electronic records," Ms. Harper said.

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Banyan Hill Publishing

Recommended by

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{% if modal_settings.enabled or "enable-modal" in request.GET or "show-modal" in request.GET %}

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Subject: FW: written description of information requested regarding apps and Agency mobile devices
Date: Friday, February 10, 2017 1:52:07 PM
Attachments: [Users with Signal App Installed.xlsx](#)
[ATT00001.htm](#)

From: Sullivan, Patrick F.

Sent: Thursday, February 09, 2017 6:48 PM

To: Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>

cc: (b) (6), (b) (7)(C)

Subject: Fwd: written description of information requested regarding apps and Agency mobile devices

Art,

(b) (6), (b) (7)(C) appears on this list.

(b) (6) is one of our (b) (6), (b) (7)(C) agents.

I will follow up tomorrow with you, Chuck and Al.

Sent from my iPhone

Begin forwarded message:

From: "Fine, Steven" <fine.steven@epa.gov>

Date: February 9, 2017 at 6:15:25 PM EST

To: "Sullivan, Patrick F." <Sullivan.Patrick@epa.gov>

Cc: "Sheehan, Charles" <Sheehan.Charles@epa.gov>, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) "Minoli, Kevin" <Minoli.Kevin@epa.gov>, "Elkins, Arthur" <Elkins.Arthur@epa.gov>, (b) (6), (b) (7)(C)

Subject: RE: written description of information requested regarding apps and Agency mobile devices

Patrick,

Here's the list of people with Signal installed.

It appears that someone from your office is on the list so I have dropped some OIG people from the CC list.

Here's additional information about the report:

- Due to challenges working with the app tracking system, this spreadsheet was generated yesterday. Since the original request was for the status of devices as of Feb. 3, we have manually verified with information we stored on the 3rd that the same people had the app installed on Feb. 3 and Feb. 8.
- The column in the spreadsheet labeled "Installed Date" is the date the device management software was installed, NOT the date the app in question was installed.
- The devices attempt to report every 2-3 days which apps are installed.
- It still appears likely that we do not have reports from all devices. We're investigating that.

Steve



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2016-ADM-0072

CROSS REFERENCE #:

TITLE: Multiple known EPA Employees Using and/or Downloading WhatsApp onto EPA-issued Devices

INTERVIEWEE (if applicable): N/A

PREPARED BY: (b) (6), (b) (7)(C)

**MEMORANDUM OF ACTIVITY
FINAL SUMMARY REPORT**

NARRATIVE:

This Memorandum of Activity contains all attachments and memoranda of interview associated with the Final Summary Report for the Office of Investigations (OI), Office of Inspector General, U.S. Environmental Protection Agency's, OI case number: OI-HQ-2016-ADM-0072, titled, "Multiple known EPA Employees Using and/or Downloading WhatsApp onto EPA-issued Devices."

ATTACHMENT(S):

1. Washington Post Article Dated



WashingtonTimesA
rticle-2-2-17.pdf

2. Case Initiation

CASE:
OI-HQ-2016-ADM-0072

DRAFTED DATE:
Feb. 22, 2018

AGENT(S):
(b) (6), (b) (7)(C)

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Page 1 of 12

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Case initiation.pdf

3. EPA OIG Hotline Referral 2017-0126



2017-0126 Hotline
Referral.pdf

4. 2017-0126 Senate Letter 2/14/2017



2017-0126 Senate
Letter 2 14 2017.pdf

5. Memorandum of Interview – 1



MOI - 1

6. Memorandum of Interview – 2



MOI - 2

7. Memorandum of Interview – 3



MOI - 3

8. Memorandum of Interview – 4

CASE:
OI-HQ-2016-ADM-0072

DRAFTED DATE:
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AGENT(S):
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MOI - 4

9. Memorandum of Interview - 5



MOI - 5

10. Memorandum of Interview - 6



MOI - 6

11. Memorandum of Interview – 7



MOI - 7

12. Memorandum of Interview – 8



MOI - 8

13. Memorandum of Interview – 9



MOI - 9

CASE:
OI-HQ-2016-ADM-0072

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14. Memorandum of Interview – 10



MOI - 10

15. Memorandum of Interview – 11



MOI - 11

16. Memorandum of Interview – 12



MOI - 12

17. Memorandum of Interview – 13



MOI - 13

18. Memorandum of Interview – 14



MOI - 14

19. Memorandum of Interview 15



MOI - 15

CASE:
OI-HQ-2016-ADM-0072

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20. Memorandum of Interview – 16



MOI - 16

21. Memorandum of Interview - 17



MOI - 17

22. Memorandum of Interview – 18



MOI - 18

23. Memorandum of Interview – 19



MOI - 19

24. Memorandum of Interview – 20



MOI - 20

25. Memorandum of Interview – 21



MOI - 21

CASE:
OI-HQ-2016-ADM-0072

DRAFTED DATE:
Feb. 22, 2018

AGENT(S):
(b) (6), (b) (7)(C)

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26. Memorandum of Interview – 22



MOI - 22

27. Memorandum of Interview – 23



MOI - 23

28. Memorandum of Interview – 24



MOI.- 24

29. Memorandum of Interview – 25



MOI.- 25

30. Memorandum of Interview – 26



MOI - 26

CASE:
OI-HQ-2016-ADM-0072

DRAFTED DATE:
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31. Memorandum of Interview – 27



MOI - 27

32. Memorandum of Interview – 28



MOI.- 28

33. Memorandum of Interview – 29



MOI.- 29

34. Memorandum of Interview – 30



MOI.- 30

35. Memorandum of Interview – 31



MOI - 31

36. Memorandum of Interview – 32



MOI - 32

CASE:
OI-HQ-2016-ADM-0072

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37. Memorandum of Interview – 33



MOI - 33

38. Memorandum of Interview – 34



MOI - 34

39. Memorandum of Interview – 35



MOI - 35

40. Memorandum of Interview – 36



MOI - 36

41. Memorandum of Interview – 37



MOI - 37

42. Memorandum of Interview – 38



MOI - 38

CASE:
OI-HQ-2016-ADM-0072

DRAFTED DATE:
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43. Memorandum of Interview – 39



MOI - 39

44. Memorandum of Interview – 40



MOI - 40

45. Memorandum of Interview – 41



MOI - 41

46. Memorandum of Interview – 42



MOI - 42

47. Memorandum of Interview – 43



MOI - 43

CASE:
OI-HQ-2016-ADM-0072

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48. Memorandum of Interview – 44



MOI - 44

49. Memorandum of Interview – 45



MOI - 45

50. Memorandum of Interview – 46



MOI - 46

51. Memorandum of Interview – 47



MOI - 47

52. Memorandum of Interview – 48



MOI - 48.pdf

CASE:
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53. Memorandum of Interview – 49



MOI - 49.pdf

54. Memorandum of Interview – 50



MOI - 50.pdf

55. Memorandum of Interview – 51



MOI - 51.pdf

56. Memorandum of Interview – 52



MOI - 52.pdf

57. Memorandum of Interview – 53



MOI - 53.pdf

CASE:
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58. Memorandum of Interview – 54



MOI - 54.pdf

59. Memorandum of Interview – 55



MOI - 55.pdf

60. Memorandum of Interview – 56



MOI - 56.pdf

61. Memorandum of Interview – 57



MOI - 57.pdf

62. Memorandum of Interview – 58



MOI - 58.pdf

CASE:
OI-HQ-2016-ADM-0072

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2016-ADM-0072

CROSS REFERENCE #: 2017-0031

TITLE: EPA EMPLOYEES DOWNLOADING AND/OR USING WHATSAPP ENCRYPTED MESSAGING APPLICATION ON EPA ISSUED MOBILE DEVICES

CASE AGENT (if different from prepared by): (b) (6), (b) (7)(C)

CASE INITIATION

Subject(s)	Location	Other Data
Multiple known EPA employees	HQ; Regions 1, 2, 3, 4, 5, 6, 8, 9, 10	

NARRATIVE:

On February 2, 2017, The Washington Times published an article: *Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws*, which alleged unnamed Environmental Protection Agency (EPA) employees have downloaded and are using unauthorized encryption apps on their EPA devices in violation of EPA policy and failing to comply with the Federal Records Act, by not maintaining official EPA records [Attachment 1].

On February 3, 2017 Patrick Sullivan, Assistant Inspector General for Investigations (AIGI), EPA, Office of Inspector General (OIG), referred these allegations to the EPA, OIG, Office of Professional Responsibility (OPR) for investigation. EPA OIG OPR submitted the article and corresponding articles to the EPA OIG Hotline for initiation [Attachment 2].

EPA, OIG, OPR opened an investigation into the allegation that EPA employees have downloaded and are using unauthorized encryption apps on their EPA devices in violation of EPA policy and are failing to comply with the Federal Records Act, by not maintaining official EPA records. As a result of EPA, OIG, OPR's initial investigation, 59 EPA employees were identified as having the "WhatsApp" application downloaded onto their government-issued mobile devices, in violation of EPA policy.

On March 6, 2017, EPA, OIG, OPR agents briefed Patrick Sullivan, AIGI, OIG on their initial investigative findings. It was agreed upon during this briefing that due to these findings, EPA, OIG, OPR should initiate a formal case and further investigate the matter. During this meeting, EPA, OIG, OPR agents also briefed Patrick Sullivan, AIGI, OIG on their investigative plan moving forward and determined to oversee and/or conduct voluntary interviews of each EPA employee discovered to have downloaded the "WhatsApp" application to their government-issued mobile devices.

ATTACHMENT

1. February 2, 2017 Washington Times Article: *Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws*
2. February 6, 2017 EPA OIG Hotline Complaint 2017-0126

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1. February 2, 2017 Washington Times Article: Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws



WashingtonTimesA
rticle-2-2-17.pdf

2. February 6, 2017 EPA OIG Hotline Complaint 2017-0126



2017-0126 Hotline
Referral.pdf

Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws



****FILE**** Environmental Protection Agency Administrator Lisa Jackson gestures during an interview April 17, 2012, with The Associated Press at the agency's Washington headquarters. (Associated Press) [more >](#)

By Alex Swoyer - *The Washington Times* - Thursday, February 2, 2017

A conservative watchdog group filed an open-records request with the EPA on Thursday demanding the agency explain whether its employees are using encrypted messaging apps to communicate about President Trump's environmental agenda outside of regular government channels.

Cause of Action filed a Freedom of Information Act (FOIA) request after Politico reported that some career employees are using an app, Signal, to talk agency business.

The app, which encrypts messages to make it more difficult to hack, is being used by the employees "to organize letters, talk strategy, or contact media outlets," Politico reported.

Cause of Action said those communications are still subject to the FOIA, and the Environmental Protection Agency employees talking shop are required to store the messages as government documents.

The watchdog said it has demanded all records EPA employees sent or received on Signal, as well as asking who approved use of messaging apps.

"Those are official government records. They belong to the public. They don't belong to those people. They need to be reserved in a manner, so that they can be searched and responded to FOIA requests," said James Valvo, senior policy adviser at Cause of Action.

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He said the government doesn't do a good job of tracking and storing texts or other instant messages sent by staffers.

“Part of the problem here is that the record resides often with the individual,” Mr. Valvo said.

He said text messages are often saved only on the device, so an individual has the ability to erase them.

He also said that certain types of instant messaging systems do not preserve the messages over the long term.

Lauren Harper, the communications director at the National Security Archive, said she is unsure how many agencies are actually adhering to the record keeping guidelines for electronic messages.

“If you consider that three agencies said they wouldn’t even meet NARA guidelines on preserving email by the end of last year, then my hunch is many are struggling with preserving these other kinds of electronic records,” Ms. Harper said.

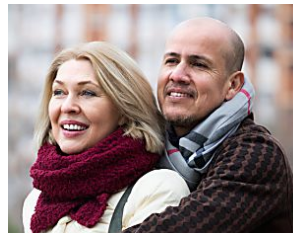
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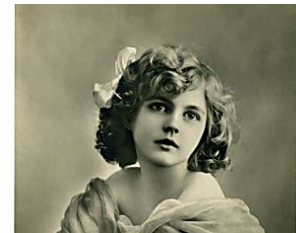
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

February 6, 2017

MEMORANDUM

SUBJECT: Office of Inspector General Hotline Complaint 2017-0126

FROM:

(b) (6), (b) (7)(C)

Special Agent, Hotline Manager
Headquarters, Office of Inspector General

TO:

Patrick Sullivan
Assistant Inspector General
Office of Investigations

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received a Hotline open request from (b) (6), (b) (7)(C) EPA, OIG, Office of Professional Responsibility. The Hotline received a forwarded article from the Washington Times, dated February 2, 2017. The article is alleging that EPA employees may be using encrypted messages to evade open-records laws. An investigation will be opened to determine if the allegations can be substantiated.

Please inform the Hotline within the next 5 calendar days that this referral was received and the course of action document within 30 calendar days to provide initial disposition of the complaint. If you have any further questions, please call (b) (6), (b) (7)(C), Hotline Program Manager, at 202 (b) (6), (b) (7)(C).

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Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws



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